

## UNITED STATES DEPARTMENT OF COMMERCE

## **Patent and Trademark Office**

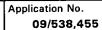
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Washington, D.C. 20231

APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR			ATTO	ORNEY DOCKET NÓ.
09/538,455	03/30/00	ΧU			Υ	178	37-06001
			OMO:271107	$\overline{}$	EXAMINER		
			6910271107		CHAMBERS, A		
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 



Applicant(s)

Xu et al

# Office Action Summary

Examiner

A. Michael Chambers

Group Art Unit 3753

Responsive to communication(s) filed on					
☐ This action is <b>FINAL</b> .					
☐ Since this application is in condition for allowance except in accordance with the practice under <i>Ex parte Quayle</i> , 19					
A shortened statutory period for response to this action is set is longer, from the mailing date of this communication. Failur application to become abandoned. (35 U.S.C. § 133). Exter 37 CFR 1.136(a).	re to respond within the period for response will cause the				
Disposition of Claims					
	is/are pending in the application.				
Of the above, claim(s)	is/are withdrawn from consideration.				
Claim(s)	is/are allowed.				
☐ Claim(s)					
☐ Claims	are subject to restriction or election requirement.				
Application Papers					
☐ See the attached Notice of Draftsperson's Patent Draw	ring Review, PTO-948.				
☐ The drawing(s) filed on is/are objection	ected to by the Examiner.				
☐ The proposed drawing correction, filed on	is pproved disapproved.				
$\hfill\Box$ The specification is objected to by the Examiner.					
☐ The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. § 119					
Acknowledgement is made of a claim for foreign priori					
☐ All ☐ Some* ☐ None of the CERTIFIED copies	of the priority documents have been				
received.	Lordon				
<ul> <li>received in Application No. (Series Code/Serial N</li> <li>received in this national stage application from t</li> </ul>					
*Certified copies not received:					
☐ Acknowledgement is made of a claim for domestic price	ority under 35 U.S.C. § 119(e).				
Attachment(s)					
☐ Notice of References Cited, PTO-892					
☐ Information Disclosure Statement(s), PTO-1449, Paper	No(s)				
☐ Interview Summary, PTO-413					
□ Notice of Draftsperson's Patent Drawing Review, PTO	·948				
□ Notice of Informal Patent Application, PTO-152					
SEE DEELCE ACTION OF	N THE FOLLOWING PAGES				
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Office Action Summary



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#### **DETAILED ACTION**

1. This application has been examined. Claims 1-17 are pending.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.
- 3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Higdon et al.

  Note the disclosure of a "...stream switching system..." for a chromatograph including a plurality of solenoid valves 98, a sheet heater (column 4, lines 57+), and an insulated hosing (Figure 3B, for example).

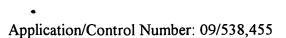
#### Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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- 5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
- 6. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or unobviousness.
- 7. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higdon et al in view of Upchurch. Higdon et al disclose the claimed invention except for the recitation of a "filter" as taught by Upchurch (Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chromatograph system of Higdon et al to include a "cartridge filter", as taught by Upchurch in order to provide more "pure" fluid to be tested and/or processed.



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### Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 9. Any inquiry concerning this communication communications from the Examiner should be directed to a. Michael Chambers whose telephone number is (703) 308-1016 (FAX (703) 308-7765).

amc November 6, 2000

A. MICHAEL CHAMBERS PRIMARY EXAMINER ART UNIT 3753